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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,270	11/07/2005	Henrik Sundstrom	9342-25	4991
54414 7590 02/20/2008 MYERS BIGEL SIBLEY & SAJOVEC, P.A. P.O. BOX 37428 RALEIGH, NC 27627			EXAMINER BUI, HANH THI MINH	
			ART UNIT 2192	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/525,270

Applicant(s)

SUNDSTROM, HENRIK

Examiner

Hanh T. Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/14/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Applicants' amendment dated November 12th, 2007, responding to the August 10th, 2007 Office Action provided in the rejection of claims 1-17.

Claims 18-21 have been added.

Claims 1- 21 are pending in the application, of which claims 1, 7, 16 and 17 are in independent form and have been amended, and which have been fully considered by the examiner.

Applicants' arguments filed on November 12th, 2007 have been considered but are moot in view of the new ground(s) of rejection. See Kabushiki (European Patent Application EP0311807 – hereinafter, Kabushiki), Tracy (US Patent 5,548,084 – hereinafter, Tracy) and Betti et al. (Pub. No. US 2003/0026593 – hereinafter, Betti et al.).

Information Disclosure Statement

2. The information disclosure statements filed on January 14th, 2008 comply with the provisions of 37 CFR 1.97, 1.98. They have been placed in the application file and the information referred to therein has been considered as to the merits.

REMARKS

3. Arguments:

a. Applicants submit that the flag does not indicate different properties of the file as recited in Claim 1 (Remarks, Page 7, first paragraph).

b. Applicants submit that Kabushiki does not disclose numerous recitations of Claim 1 (Remarks, Page 7; third paragraph), such as:

- i. obtaining at least one property of the coded file,
- ii. matching the property against at least one application where the file could be used,
- iii. generating an indication indicating whether or not the file can be used the application based on the matching, and associating the indication with the coded file for later enabling of a decision about use of the file in the application,
- iv. where the application uses a certain type of file but has limitations regarding the properties of the type of file.

c. The features of Claims 18-21 are not disclosed or rendered obvious by Kabushiki (Remark, Page 9, third paragraph).

4. Applicants' arguments filed on October 11th, 2007 have been fully considered but they are not persuasive.

5. Answers to Arguments:

a. Kabushiki discloses in (Col. 9 line 56 through Col. 10: line 19; "... document management application (***coded file***) ... drawing data management application (***coded file***)... As for drawing data, a plurality of files are generated for each drawing. In this

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instance, theses files are a work sheet file, a net file, and a plotter file... The net file describes relative positions and connections of parts in the drawing (***different properties of the file***) ...” (emphasis added.).

b. Kabushiki discloses

i. Col. 9 line 56 through Col. 10: line 19; “... document management application (***coded file***) ... drawing data management application (***coded file***)... As for drawing data, a plurality of files are generated for each drawing. In this instance, theses files are a work sheet file, a net file, and a plotter file... The net file describes relative positions and connections of parts in the drawing (***properties of coded file***) ...”, (emphasis added).

ii. Column 9: lines 56-59; “the application flag (***indication***) of the main header portion is **used** for indicating the document management **application** or the drawing data management **application**”, (emphasis added).

iii. Examiner noted it would have been obvious to one having ordinary skill in the art at the time of the invention was made to recognize that since at least Windows 95 any application file is coded some way virtually, which means all file extensions are associated to application programs. Therefore, the search mechanism of Window operating system can match the property against at least one application where the file could be used.

iv. Col. 10: lines 2-19; “As for drawing data (***the type of file***), a **plurality of files** are generated for each drawing. In this instance, theses files are a work sheet file, a net file, and a plotter file (***certain type of file***)... The net file describes

relative positions and connections of parts in the drawing (***properties of the type of file***)...", (emphasis added).

c. Kabushiki discloses in Col. 9 line 56 through Col. 10: line 19; "... document management application (***type of coding***) ... drawing data management application (***type of coding***)... As for drawing data, a plurality of files are generated for each drawing. In this instance, theses files are a work sheet file, a net file, and a plotter file... The net file describes relative positions and connections of parts in the drawing (***properties of the type of coding***) ..." (emphasis added).

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claim 17 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, specifically directed towards computer programs representing computer listings per se.

Claim 17 recites "A *computer program*" that has been reasonably interpreted as computer programs, software, listing per se. Computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other

claimed elements of a computer which permit the computer program's functionality to be realized. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035. (See MPEP2106.01(I))

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

9. Claims 1, 2, 3, 5, 7, 12, 13, 16, and 17-21 are rejected under 35 U.S.C. 102(a) as being anticipated by Kabushiki (European Patent Application EP0311807 – hereinafter, Kabushiki).

Regarding claim 1:

Kabushiki discloses a *method of determining usability of a coded file in an application, the method including:*

- *obtaining at least one property of the coded file*

(Col. 9: line 56 through Col. 10: line 19; "... document management application (***coded file***) ... drawing data management application (***coded file***)... As for drawing data, a plurality of files are generated for each drawing. In this instance, theses files are a work sheet file, a net file, and a plotter file... The net file describes relative positions and connections of parts in the drawing (***properties of coded file***) ...", emphasis added:).

- *generating an indication indicating whether or not the file can be used in the application based on the matching*

(Col. 9: lines 56-59; "the application flag (**indication**) of the main header portion is used for **indicating** the document management **application** or the drawing data management **application**", emphasis added.)

- *matching the property against at least one application where the file could be used; and associating the indication with the coded file for later enabling of a decision about use of the file in the application*

Examiner noted it would have been obvious to one having ordinary skill in the art at the time of the invention was made to recognize that since at least Windows 95 any application file is coded some way virtually, which means all file extensions are associated to application programs. Therefore, the search mechanism of Window operating system can match the property against at least one application where the file could be used.

- *wherein the application uses a certain type of file but has limitations regarding the properties of the type of file.*

(Col. 10: lines 2-19; "As for drawing data (**the type of file**), a plurality of files are generated for each drawing. In this instance, theses files are a work sheet file, a net file, and a plotter file (**certain type of file**)... The net file describes relative positions and connections of parts in the drawing (**properties of the type of file**)...", emphasis added.).

Regarding claim 2:

Kabushiki discloses *a method of claim 1*

- *wherein the at least one property is more than one property and the more than one property is matched against each application",*

(Col. 9: lines 38-40 and Col. 10: lines 10-12; "the data of one page contains a work sheet data file, a drawing data file (net file), and an image expanded picture (plotter file)" and "under the drawing management **application**, these related files are systematically combined (**matched**) into one page".)

- *generating a flag indicating that the file can be used if all matched properties of the coded file can be used in the application*

(Col. 9: lines 56-59; "the **application flag** of the main header portion is used for **indicating** the document management **application** or the drawing data management **application**", emphasis added.).

Regarding claim 3:

Kabushiki discloses *a method of claim 1*

- *wherein the file is an image file",*

(Col. 9: lines 54-56; "the drawing data management application is for filing the drawing data (CAD) (**image file**) by a personal computer").

Regarding claim 5:

Kabushiki discloses *a method of claim 1*

- *checking the indication before using the file in an application associated with the indication*

(Col. 22: lines 37-45; "the data as read out from optical disk 19 is loaded into page memory 14, while being exclusively ORing with the original data. The result of the exclusively ORing operation show "0" when both data are coincident with each other, but shows a logical value other than "0" when both data are not coincident. Therefore, check to see if the operation results are all "0" suffices for the registered data check").

Regarding claim 7:

Kabushiki discloses an electronic device for determining usability of a coded file in an application comprising:

- *at least one file matching unit associated with an application*

Examiner noted it would have been obvious to one having ordinary skill in the art at the time of the invention was made to recognize that since at least Windows 95 any application file is coded some way virtually, which means all file extensions are associated to application programs. Therefore, the search mechanism of Window operating system can be viewed as a file-matching unit to match the property against at least one application where the file could be used.

All the limitations of this claim have been noted in the rejection of claim 1.

Regarding claim 12:

Kabushiki discloses *an electronic device according to claim 7*

- *an application unit arranged to check the corresponding indication before using the coded file*

(Col. 9: lines 56-59; "the **application flag** of the main header portion is used for **indicating** the document management application or the drawing data management application", emphasis added.).

Regarding claim 13:

Kabushiki discloses *an electronic device according to claim 7*

- *wherein the file matching unit is more than one file matching unit and each matching unit is associated with a corresponding application.*

Examiner noted that besides the search mechanism of Window operating system, there are many other matching techniques such as Run function. For instance, when a user type in the name of the program, folder..., then the file will be displayed after a searching and matching mechanism performed.

Regarding claim 16:

Kabushiki discloses a computer program product for determining usability of a coded file, the computer program product comprising:

- *program code embodied in a computer-readable storage medium*

Kabushiki discloses in the abstract "an information processing apparatus is provided with a scanner (20) and a magnetic disc (28a) both for supplying the data to be stored, and an optical disk (19) for storing the supplied data".

All the limitations of this claim have been noted in the rejection of claim 1.

Regarding claim 17:

All the limitations of this claim have been noted in the rejection of claim 16.

Regarding claim 18:

Kabushiki discloses *a method according to claim 1*

- *wherein the property comprises type of coding.*

(Col. 9 line 56 through Col. 10: line 19; "... document management application **(type of coding)** ... drawing data management application **(type of coding)**... As for drawing data, a plurality of files are generated for each drawing. In this instance, these files are a work sheet file, a net file, and a plotter file... The net file describes relative positions and connections of parts in the drawing **(properties of the type of coding)** ...", emphasis added.).

Regarding claim 19:

The rejection of base claim 7 is incorporated. All the limitations of this claim have been noted in the rejection of claim 18.

Regarding claim 20:

The rejection of base claim 16 is incorporated. All the limitations of this claim have been noted in the rejection of claim 18.

Regarding claim 21:

The rejection of base claim 17 is incorporated. All the limitations of this claim have been noted in the rejection of claim 18.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 14, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kabushiki (European Patent Application EP0311807 – hereinafter, Kabushiki) in view of Tracy (US Patent 5,548,084 – hereinafter, Tracy).

Regarding claim 14:

Kabushiki discloses *an electronic device according to claim 14*, but Kabushiki does not explicitly teach

- *wherein the device is a portable communication device*

Tracy discloses in Col. 2: lines 27-28; “the electronic device 10 is preferably a **portable communication device** such as a two-way radio, cellular phone”, emphasis added.

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Tracy into the teachings of Kabushiki because such combination would have provided the advantage of new technology applied in daily use, such as an integrated light pipe can be used in a shielded housing for electronic devices as suggested by Tracy (See Col. 1: lines 35-36.)

Regarding claim 15:

The rejection of base claim 7 is incorporated. All the limitations of this claim have been noted in the rejection of claim 14.

12. Claims 4, 6, 8, 9, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kabushiki (European Patent Application EP0311807 – hereinafter Kabushiki) in view of Betti et al. (Pub. No. US 2003/0026593 - hereinafter, Betti et al.)

Regarding claim 4:

Kabushiki discloses a *method according to claim 1*, but Kabushiki does not explicitly teach

- *wherein the file is a sound file.*

Betti et al. discloses in abstract “decoding a data file, particularly of the MPEG type (***sound file***)”, emphasis added.

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Betti et al. into the teachings of Kabushiki because such combination would have provided a major advantage of MPEG

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compared to other video and audio coding formats is that MPEG files are much smaller for the same quality.

Regarding claim 6:

Kabushiki discloses *a method according to claim 1*, but Kabushiki does not explicitly teach

- *wherein the properties are obtained through decoding the code file*

Betti et al. discloses in paragraph [0087]; "The decoder 17 reconstructs the imaging contents of the original data flow 12 by decoding the MPEG file 13 frame by frame according to the CSM identification byte"

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Betti et al. into the teachings of Kabushiki because such combination would have improved the file storage methods and obviating the need of large inconvenient HDDs as suggested by Betti et al. (See paragraph [0055]).

Regarding claim 8:

Kabushiki discloses *a method according to claim 7*, but Kabushiki does not explicitly teach

- *a file property extractor for obtaining the at least one property of the code file*

Betti et al. discloses in FIG.7 and the associated text, e.g. paragraph [0087]; "a decoder 17, particularly of the RS encode/decode type accordingly. The decoder 17

reconstructs the imaging contents of the original data flow 12 by decoding the MPEG file 13 frame by frame according to the CSM identification byte". It is noted that as claim 11 recites "the file property extractor is a file decoder"; therefore the decoder 17 can be viewed as a file property extractor.

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Betti et al. into the teachings of Kabushiki because such combination would have improved the file storage methods and obviating the need of large inconvenient HDDs as suggested by Betti et al. (See paragraph [0055]).

Regarding claim 9:

Kabushiki discloses *a method according to claim 8*, but Kabushiki does not explicitly teach

- *wherein the file property extractor is arranged to extract more than one property of the file and the file matching unit is arranged to match all extracted properties relevant to the application*".

Betti et al. discloses in FIG. 7 and the associated text, e.g., paragraph [0087]; "The decoder 17 reconstructs the imaging contents of the original data flow 12 by decoding the MPEG file 13 frame by frame according to the CSM identification byte".

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Betti et al. into the teachings of Kabushiki because such combination would have improved the file storage methods

and obviating the need of large inconvenient HDDs as suggested by Betti et al. (See paragraph [0055]).

Regarding claim 10:

Kabushiki discloses *a method according to claim 8*, but Kabushiki does not explicitly teach

- *wherein the file property extractor is arranged to store the property after extraction*".

Betti et al. discloses in the abstract "storing parameters that are associated with corresponding different frames whose values are selected to provided a playing quality level requested by an end user".

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Betti et al. into the teachings of Kabushiki because such combination would have improved the file storage methods and obviating the need of large inconvenient HDDs as suggested by Betti et al. (See paragraph [0055]).

Regarding claim 11:

The rejection of claims 7 and 8 are incorporated and all the limitations of this claim have been noted in the rejection of claim 8.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh T. Bui whose telephone number is (571) 270-1976. The examiner can normally be reached on 7:00 AM - 4:00PM / Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BH



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